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FM AMEMBASSY BAGHDAD

TO RUEHC/SECSTATE WASHDC IMMEDIATE 2929

INFO RUCNRAQ/IRAQ COLLECTIVE IMMEDIATE

RUEAWJA/DEPT OF JUSTICE WASHDC IMMEDIATE

UNCLAS BAGHDAD 001172

SENSITIVE

SIPDIS

JUSTICE PASS TO PHIL LYNCH

E.O. 12958: N/A

TAGS: PHUM PREL SNAR IO

SUBJECT: MINISTRY OF JUSTICE RESUMES EXECUTIONS OF DEATH ROW INMATES

¶1. (SBU) SUMMARY: On May 3, the Ministry of Justice executed 12 death-sentenced inmates at the Khadamiya prison in Baghdad. There were 13 inmates scheduled for execution on this date, but one sentenced inmate was withdrawn pending an ongoing appeal. Of those executed, 10 were convicted and sentenced to death for murder, and two were convicted and sentenced to death for kidnapping. These were the first executions carried out since August 21, 2007.

Background

¶2. (SBU) Until May 3, the Ministry of Justice (MOJ) had not conducted any executions of death row inmates since August 21, 2007. Multiple legal and policy disputes within the GOI appear to have contributed to this, but no clear conclusions can be drawn as to the cause. One possible reason was the former Acting Minister of Justice Dr. Safa al-Safi's opposition to the death penalty. Additionally, in at least some cases, conflict arose within the GOI regarding interpretations of the law requiring executive ratification of death sentences.

¶3. (SBU) Currently, we are aware of an additional 721 inmates in the custody of the MOJ who have received death sentences in competent Iraqi courts, 105 of whom have received the requisite presidential execution order. According to our information, all but three of these individuals received the death penalty for murder, terrorism, insurgency, or kidnapping. The exceptions were two who were convicted of incest and one who was convicted of rape. We are not otherwise aware of any death sentences for crimes that the United States or international community would deem grossly disproportionate or otherwise inappropriate (such as blasphemy, adultery, homosexuality, etc.). It should be noted that our visibility is limited to MOJ facilities, and we do not have any information about prisoners with death sentences who may be held in facilities maintained by the Ministry of Interior or the Ministry of Defense. Additionally, there are 83 individuals who have received death sentences from competent Iraqi courts, but remain in U.S. custody at theater internment facilities (61 at Camp Bucca and 22 at Camp Cropper).

¶4. (SBU) On February 23, Deputy Minister of Justice Posho informed Rule of Law officials that the MOJ was preparing to begin executing prisoners under death sentence. He informed us that these death sentences resulted from the lawful judicial orders of Iraqi courts and that the executions would occur in the presence of a judge, physician, cleric, and prison warden.

¶5. (SBU) On April 26, Deputy Minister Posho had informed Rule of Law officials that the MOJ would begin executions on Sunday, May 3 at the rate of no more than 14 inmates per week. He explained that the executions would occur on Sundays and continue for several months, beginning with the

oldest execution orders. The MOJ now appears to be following through with this plan.

Comment

¶6. (SBU) The MOJ is aware that the resumption of executions may produce a negative reaction from the international, particularly NGO, community, and when the international community (e.g., the European Union) learned of the decision to resume executions, they made the recommendation to the GOI to cancel them. In one instance, earlier reports by one NGO of the previously planned executions incorrectly claimed that the executions were for the "crime" of homosexuality, which generated significant negative media attention. Rule of Law investigation revealed these claims to be without merit. As documented in the Human Rights Report, though the Iraqi justice system has made progress, it continues to face significant challenges. While we have not taken a position on the death penalty with the GOI, we have stressed the need for efficient and effective due process. Our Rule of Law programs will continue to provide the GOI with practical assistance to work toward these goals.

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